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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800.225	03/06/2001	Branko D. Kovacevic	ATL0100440	3322
34456 7590 01/25/2008 LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730				
			EXAMINER VO, HUYEN X	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 01/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/800,225

Applicant(s)

KOVACEVIC, BRANKO D.

Examiner

Huyen X. Vo

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-29 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-14 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/08/2008 have been fully considered but they are not persuasive. Dokic (US 5726989) fully anticipates claimed limitations in that after the received transports packets are separated into audio data and video data, the audio data are sent to audio decoder for further processing (*referring to figure 5G*). At step 382, the system determines if the audio data contains an audio PTS value. If the PTS is present, the system compares the PTS value with a local STC value indicated in equations 1 or 2 (or steps 382 and/or 388) to produce an **audio delay** value or "first outcome". Turning to applicant's argument regarding "determining whether to discard a packet based on the outcome of a comparison of a value in a field of a packet to a first field register" (page 2 of the remarks section), the PTS value is interpreted as a value in a field of a packet as claimed and the local STC value is interpreted as the field register. Furthermore, the audio packet received by the system or discarded is **based only at least in part on the outcome** (see claim 1). So, the audio packet is delivered or discarded based on the audio delay flag (*steps 398 and 402 in figure 5G*), which is set based on the audio delay or "first outcome" found in equations 1 or 2. Based on the above interpretation, examiner maintains previous ground of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11-14, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Dokic (US 5726989).

3. Regarding claims 1 and 32, Dokic disclose as method and system, comprising:
receiving one or more transport packets (*element 202 in figure 5A*);
identifying a transport packet as containing audio stream data (*element 208 in figure 5A*);

comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome in response to identifying the transport packet as containing audio stream data (*referring to figure 5G or col. 11, lines 40-57, comparing the PTS value with the local STC value indicated in equation 1 producing an “audio delay” value or “first outcome”*); and

determining whether to enable audio stream data related to the transport packet to be received by a system or to discard the transport packet, based at least in part on the first outcome (*col. 12, lines 18-43, if the initial audio delay has not calculated, discard the packet*).

4. Regarding claims 2-9 and 11-14, Dokic further discloses that the system is a decoding system and the method further includes providing the audio stream data related to the transport packet to the decoding system (*figure 4*), wherein the audio

stream data includes PES audio data (*figure 4*), wherein the decoding system detects an audio stream data property through a stream indicator included in the audio stream data (*element 202 in figure 5A*), wherein the data property includes an audio type (*identify audio or video data*), wherein the data property includes a sampling rate (*any received data has a sampling rate*), wherein the stream indicator includes one or more start codes (*within the scope of the reference*), wherein the stream indicator includes one or more presentation time stamps (*PST or program time stamps*), wherein the audio decoding system includes a Moving Pictures Experts (MPEG) audio decoder (*MPEG-2*), wherein the decoding system is capable of generating an interrupt to control receiving the audio data related to the transport packet (*within scope of reference*), wherein the interrupt is initiated through an application (*within scope of reference*), further including providing audio data related to the transport packet to memory (*received data must be stored in memory buffer before processed by the system*), wherein providing audio data related to the transport packet to memory includes bus-mastering the audio data related to the transport packet to memory (*received data must be stored in memory buffer before processed by the system*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dokic (US 5726989) in view of Van Steenbrugge (US 6076062).

7. Regarding claim 10, Movshovich et al. fail to specifically disclose that the decoding system includes an I2S formatter. However, Van Steenbrugge teaches that the decoding system includes an I2S formatter (*col. 7, ln. 44-50*).

Since Movshovich et al. and Van Steenbrugge are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Movshovich et al. by incorporating the teaching of Van Steenbrugge in order to allow the system using the I2S format to process the incoming data.

Allowable Subject Matter

8. Claims 15-29 and 31 are allowed over prior art of record. The following is an examiner's statement of reasons for allowance: Movshovich et al. disclose an MPEG-2 transport demultiplexor architecture for enhancing transport packet demultiplexing and distribution in a digital multimedia transport packets. Rim et al. teach an MPEG-2 transport decoder including a transport parser unit for storing each syntax field value. Both Movshovich et al. and Rim et al. fail to specifically disclose a system for parsing audio data having subsystem units interconnected in a manner described in the base claim 15. Furthermore, it would have not been obvious to one of ordinary skill in the art

at the time of invention to modify Movshovich et al. and/or Rim et al. to obtain the claimed invention. Therefore, claims 15-29 and 31 are allowed over prior art of record. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HXV

1/21/2008

A handwritten signature in black ink, appearing to be "Augustine", written over a horizontal line.